



LETITIA JAMES  
ATTORNEY GENERAL

SERENA LONGLEY  
DEPUTY GENERAL COUNSEL

October 25, 2022

**VIA ECF**

Hon. LaShann DeArcy Hall  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Cuomo v. Office of the New York State Attorney General*,  
1:22-mc-03044 (LDH)

Dear Judge DeArcy Hall:

I am the Deputy General Counsel in the New York State Office of the Attorney General (OAG), Defendant in the above-referenced miscellaneous action concerning Movant Andrew M. Cuomo's motion to compel (Motion) compliance with a subpoena served on OAG seeking nonparty discovery purportedly in connection with *Trooper 1 v. New York State Police, et al.*, No. 22-cv-00893 (LDH)(TAM) (E.D.N.Y. filed February 27, 2022) (the "*Trooper 1 Action*"). On October 13, 2022, this miscellaneous action was transferred from Judge Jennifer L. Rochon in the Southern District of New York to Your Honor (Dkt No.12).

I write, with Movant's consent, to request (1) that this miscellaneous action be assigned to Magistrate Judge Merkl and (2) permission to exceed Your Honor's 25-page limit in OAG's memorandum of law in support of its forthcoming cross-motion and in opposition to the Motion.

First, we request assignment to Magistrate Judge Merkl because she is assigned to a related miscellaneous action (No. 22-mc-03027) in which Movant seeks to compel the New York State Assembly Judiciary Committee to comply with a nonparty subpoena also purportedly in connection with the *Trooper 1 Action* and Magistrate Judge Merkl is also assigned to the related underlying *Trooper 1 Action*.

In addition, pursuant to Your Honor's Individual Rule II.C.1, which we understand would still apply in the event this action is assigned to Magistrate Judge Merkl, OAG respectfully requests permission to file a memorandum of law up to 30 pages long. We make this request because Movant's memorandum of law in support of his Motion, to which we are responding, is 30 pages

long and we anticipate needing up to 30 pages to respond to Movant's arguments and present any additional arguments needed to support our cross-motion.

Prior to the case being transferred from the Southern District, the parties had agreed to a schedule requiring OAG's opposition/cross-motion to be filed by November 1, Movant's reply/opposition to be filed by November 15, and OAG's reply to be filed by November 22. Due to subsequent family medical issues, I would respectfully request that the date for OAG's opposition/cross-motion be extended by one week, with the remaining dates adjusted accordingly bearing in mind the Thanksgiving holiday, as follows:

- November 8, 2022: OAG files opposition to motion to compel/cross-motion
- November 22, 2022: Movant files reply in support of motion to compel/opposition to cross-motion
- December 6, 2022: OAG files reply in support of cross-motion

OAG acknowledges that any briefing schedule would be subject to Magistrate Judge Merkl's approval should this miscellaneous action be assigned to her. Movant has advised that he takes no position on OAG's request for this short extension of the previously agreed to briefing schedule.

Respectfully,

/s/ Serena Longley

Serena Longley

Deputy General Counsel

New York State Office of the Attorney General

28 Liberty Street, 23<sup>rd</sup> Floor, New York, NY 10005

[Serena.Longley@ag.ny.gov](mailto:Serena.Longley@ag.ny.gov)

212-416-8178